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| 10/695,576 | 10/28/2003 | Pablo Nolasco | AUTOLIFT-BUS LIFT | 5352 |
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| ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712 | | | LOWE, MICHAEL S | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,576

Applicant(s)

NOLASCO ET AL.

Examiner

M. Scott Lowe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/12/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Objections

Claim 2 is objected to because of the following informalities: there appears to be a semicolon missing at the end of line 6 and the claim should end with a period rather than a semicolon. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2,9,16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "a large vehicle" in line 11. It is unclear whether this is the same "a large vehicle" referred to in claim 1, line 5. For sake of examination it is assumed they are the same item.

Claim 9 recites the limitation "a large vehicle" in lines 5 and line 21. It is unclear whether this is the same item. For sake of examination it is assumed they are the same item.

Claim 16 recites the limitation "the wrecker forks" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the rear wheel" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 duplicates many of the limitations from claim 10, especially in lines 3-8. It is unclear what is meant by this duplication of limitations.

Claim 18 recites the limitation "the wrecker forks" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "the rear wheel" in line 32. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-6,8,10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US 5,391,044) in view of Kniff (US 3,758,135).

Re claim 1, Young teaches an apparatus usable with lifting the rear of large vehicles, comprising:

at least two substantially parallel and horizontally extending frame extenders 91,
at least one cross bar 71, substantially perpendicular to said frame extenders 91 and rigidly connected to said frame extenders by a connecting means (80,81,82,83,etc.);
and a
a mounting means 72,74 capable of removably attaching said cross bar 71 to a standard towing truck.

Young does not teach being adapted for communication with a receiving means rigidly connected to the undercarriage of a large vehicle. Kniff teaches being adapted for communication with a receiving means 24 rigidly connected to the undercarriage of a large vehicle in order to help properly align the apparatus with the vehicle to be towed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Young by Kniff to have the apparatus adapted for communication with a receiving means rigidly connected to the undercarriage of a large

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vehicle in order to help properly align the apparatus with the vehicle to be towed, particularly in the case of vehicles with damaged or ungraspable tires.

Re claims 3,10, Young teaches said connecting means (80,81,82,83,etc.) is at least one pair of box collar sections (80,81,82,83,etc.).

Re claim 4, Young teaches said crossbar, said frame extenders, and said connecting means comprise square or rectangular cross-sectional tubing. Young does not limit the construction material and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the device and its components of steel or any other known suitable material in order to save the cost of developing new materials.

Re claims 5,6,8, Young does not limit the dimensions of the device and its components. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Young to any dimension or size in order to tow different sized vehicles.

Claims 2,7,9,11-15,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US 5,391,044) in view of Kniff (US 3,758,135) and further in view of Parsons (US 4,640,495).

Re claims 2,17, Young teaches at least two slider arms 80,81 extending substantially horizontally from the opposing ends of said cross bar 71 and in rigid communication with said connecting means (80,81,82,83,etc.);

said slider arms 80,81 each having a top surface and an opposing bottom surface. Young does not teach a vertical pin connection to the undercarriage of the towed vehicle. However, Parsons teaches slider arms 68 each having a top surface and an opposing bottom surface each said top surface in rigid connection with a pin surface 72; and each said pin surface 72 rigidly connected to a vertically extending pin 74 for contact with a second receiving means 73,75 in rigid connection to the undercarriage 73 of a large vehicle in order to better align and secure and align the apparatus to the vehicle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Young by Parsons to have the slider arms each having a top surface and an opposing bottom surface each said top surface in rigid connection with a pin surface 72; and each said pin surface 72 rigidly connected to a vertically extending pin 74 for contact with a second receiving means 73,75 in rigid connection to the undercarriage 73 of a large vehicle in order to better align and secure and align the apparatus to the vehicle.

Re claim 9, Young teaches an apparatus usable with lifting the rear of large vehicles, comprising:

at least two substantially parallel and horizontally extending frame extenders 91,
at least one cross bar 71, substantially perpendicular to said frame extenders 91 and rigidly connected to said frame extenders by a connecting means (80,81,82,83,etc.);
and a
a mounting means 72,74 capable of removably attaching said cross bar 71 to a standard towing truck.

Young does not teach being adapted for communication with a receiving means rigidly connected to the undercarriage of a large vehicle. Kniff teaches being adapted for communication with a receiving means 24 rigidly connected to the undercarriage of a large vehicle in order to help properly align the apparatus with the vehicle to be towed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Young by Kniff to have the apparatus adapted for communication with a receiving means rigidly connected to the undercarriage of a large vehicle in order to help properly align the apparatus with the vehicle to be towed, particularly in the case of vehicles with damaged or ungraspable tires.

Young teaches at least two slider arms 80,81 extending substantially horizontally from the opposing ends of said cross bar 71 and in rigid communication with said connecting means (80,81,82,83,etc.) said slider arms 80,81 each having a top surface and an opposing bottom surface. Young does not teach a vertical pin connection to the undercarriage of the towed vehicle. However, Parsons teaches slider arms 68 each having a top surface and an opposing bottom surface each said top surface in rigid connection with a pin surface 72; and each said pin surface 72 rigidly connected to a vertically extending pin 74 for contact with a second receiving means 73,75 in rigid connection to the undercarriage 73 of a large vehicle in order to better align and secure and align the apparatus to the vehicle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Young by Parsons to have the slider arms each having a top surface and an opposing bottom surface each said top surface in rigid connection with a pin surface 72; and each said pin surface 72

rigidly connected to a vertically extending pin 74 for contact with a second receiving means 73,75 in rigid connection to the undercarriage 73 of a large vehicle in order to better align and secure and align the apparatus to the vehicle.

Re claim 11, Young teaches said crossbar, said frame extenders, and said connecting means comprise square or rectangular cross-sectional tubing. Young does not limit the construction material and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the device and its components of steel or any other known suitable material in order to save the cost of developing new materials.

Re claims 7,12-15, Young does not limit the dimensions of the device and its components. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Young to any dimension or size in order to tow different sized vehicles.

Claims 16,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US 5,391,044) in view of Krisa (US 4,861,221), Kniff (US 3,758,135), and Parsons (US 4,640,495).

Re claims 16,18, Young teaches an apparatus usable with lifting the rear of large vehicles that, comprising:
at least two substantially parallel and horizontally extending frame extenders 91,

at least one cross bar 71, substantially perpendicular to said frame extenders 91 and rigidly connected to said frame extenders by a connecting means (80,81,82,83,etc.); and a mounting means 72,74 capable of removably attaching said cross bar 71 to a standard towing truck.

Young does not mention wrecker forks, however Krisa teaches wrecker forks 82 are well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified to be mounted as taught by Krisa by wrecker forks in order to allow greater versatility of use for the towing apparatus.

Young does not teach being adapted for communication with a receiving means rigidly connected to the undercarriage of a large vehicle. Kniff teaches being adapted for communication with a receiving means 24 rigidly connected to the undercarriage of a large vehicle in order to help properly align the apparatus with the vehicle to be towed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Young by Kniff to have the apparatus adapted for communication with a receiving means rigidly connected to the undercarriage of a large vehicle in order to help properly align the apparatus with the vehicle to be towed, particularly in the case of vehicles with damaged or ungraspable tires.

Young teaches at least two slider arms 80,81 extending substantially horizontally from the opposing ends of said cross bar 71 and in rigid communication with said connecting means (80,81,82,83,etc.) said slider arms 80,81 each having a top surface and an opposing bottom surface. Young does not teach a vertical pin connection to the

undercarriage of the towed vehicle. However, Parsons teaches slider arms 68 each having a top surface and an opposing bottom surface each said top surface in rigid connection with a pin surface 72; and each said pin surface 72 rigidly connected to a vertically extending pin 74 for contact with a second receiving means 73,75 in rigid connection to the undercarriage 73 of a large vehicle in order to better align and secure and align the apparatus to the vehicle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Young by Parsons to have the slider arms each having a top surface and an opposing bottom surface each said top surface in rigid connection with a pin surface 72; and each said pin surface 72 rigidly connected to a vertically extending pin 74 for contact with a second receiving means 73,75 in rigid connection to the undercarriage 73 of a large vehicle in order to better align and secure and align the apparatus to the vehicle.

Young does not teach at least one pair of downwardly extending jack posts, positioned at points between the rear wheel and rear end of said large vehicle and in line with said frame extenders, for preventing the bowing of said frame extenders under lifting conditions. However, it is well known to provide intermediate supports to improve structural strength and stability. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Young to have at least one pair of downwardly extending jack posts (supports), positioned at points between the rear wheel and rear end of said large vehicle and in line with said frame extenders in order to improve structural strength and stability.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hawkins (US 3,897,085) teaches a tow assembly with extensions inserted through vehicle frame brackets.

Conley (US 4,708,576) teaches block collars.

Kniff (US 3,885,815) teaches a frame attached tow assembly.

Kniff (US 3,831,980) teaches a frame attached tow assembly.

Crupi (US 4,948,327) teaches a frame attached tow assembly with slider arms.

Nolden (US 3,245,659) teaches locator pins.

Casteel (US 4,611,968) teaches tow forks.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



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